

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INTELLECTUAL VENTURES I LLC and INTELLECTUAL VENTURES II LLC,)	
)	Civil Action No. 2:13-cv-00740-AJS
)	
Plaintiffs,)	U.S. District Judge Arthur J. Schwab
)	
v.)	ELECTRONICALLY FILED
)	
PNC FINANCIAL SERVICES GROUP, INC.)	
and PNC BANK, N.A.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

AMENDED [REDACTED] CASE MANAGEMENT ORDER

AND NOW, this 9th day of September, 2013,

IT IS ORDERED that this action is placed under the Local Patent Rules of this Court for pretrial proceedings and all provisions of these Rules will be strictly enforced.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all scheduling, status, or pretrial conferences to participate in settlement negotiations which may be conducted or ordered by the Court.

IT IS FURTHER ORDERED that compliance with the provisions of Local Rule 16 and the Local Patent Rules shall be completed as follows:

- (1) All parties shall serve Fed. R. Civ. P. Rule 26(a) disclosures by **July 29, 2013** (*see also* Exhibit A to Practices and Procedures of Judge Arthur J. Schwab);
- (2) The Parties shall move to amend the pleadings or add new parties by **August 14, 2013**;
- (3) The party claiming patent infringement must serve on all parties a Disclosure of Asserted Claims and Infringement Contentions by **August 16, 2013**;
- (4) Any party claiming damages must serve a complete computation of any category

of damages claimed, making available for inspection and copying the documents or other evidentiary materials on which such computation is based, including materials bearing on the nature and extent of injuries suffered, by **August 16, 2013**;

(5) The party claiming non-infringement and/or invalidity must serve on all parties a Disclosure of Non-infringement and/or Invalidity Contentions by **October 8, 2013**;

(6) The party claiming validity must serve on all parties a Disclosure of Validity by **November 4, 2013**;

(7) Each party will simultaneously exchange Proposed Claim Terms and Phrases for Construction, including proposed constructions, by **November 22, 2013**;

(8) The parties shall meet and confer by **December 5, 2013** to identify claim terms and phrases that are in dispute, and claim terms and phrases that are not in dispute and prepare and file a Joint Disputed Claim Terms Chart. Each party shall also file with the Joint Disputed Claim Terms Chart an appendix containing a copy of each item of intrinsic evidence cited by the party in the Joint Disputed Claim Terms Chart;

(9) It is hereby ORDERED that David G. Oberdick is appointed Special Master pursuant to Federal Rule of Civil Procedure 53 to serve in accordance with the LPRs in this action;

(10) The parties have agreed to submit this case to private mediation. As such, it is hereby ordered that Tim Ryan is appointed as the mediator to serve in accordance with the ADR Policies and Procedures in this action;

(11) The first meeting of above-mentioned alternative dispute resolution shall take place on **October 2, 2013**, and on other such dates as the parties and the mediator may agree;

(12) Plaintiff shall file and serve an Opening Claim Construction Brief and an

identification of extrinsic evidence by **January 6, 2014**;

(13) The Opposing Party shall file and serve a response to the Opening Claim Construction Brief, an identification of extrinsic evidence, and any objections to extrinsic evidence by **February 6, 2014**;

(14) The opening party may serve and file a Reply directly rebutting the opposing party's Response, and any objections to extrinsic evidence by **February 20, 2014**;

(15) A hearing on the issue of Claim Construction shall be held on **March 6, 2014, or such other date amenable to the schedule of the Special Master**;

(16) The Report and Recommendation of the Special Master on the issue of claim construction shall be due on **April 10, 2014**;

(17) The parties shall complete fact discovery by **May 19, 2014**, and all interrogatories, depositions, requests for admissions, and requests for production shall be served within sufficient time to allow responses to be completed prior to the close of discovery;

(18) Each party shall make its initial expert witness disclosures as required under Rule 26, on the issues on which each bears the burden of proof by **June 6, 2014**;

(19) Each party shall make its initial expert witness disclosures, as required under Rule 26, on the issues on which the opposing party bears the burden of proof by **July 22, 2014**;

(20) Expert Depositions, if any, shall occur on or before **August 29, 2014** ;


(21) Any motion(s) for summary judgment with evidentiary material and accompanying brief, if appropriate, shall be filed by **September 25, 2014**, and opposition(s) to such motions shall be filed on or before **October 23, 2014**. Any reply brief in support of a motion shall be due no later than **November 12, 2014**. Surreply briefs shall not be filed unless approved/requested by the Court;

(22) Plaintiff's pretrial narrative statement shall comply with Rule 16.1.C.1 , and be filed by **November 19, 2014**;

(23) Defendant's pretrial narrative statement shall comply with Rule 16.1.C.1, and be filed by **December 11, 2014**;

(24) The parties shall not amend or supplement their pretrial narrative statements without leave of the Court.

SO ORDERED this 9th day of Sept²⁰¹³, 2013.


Arthur J. Schwab
United States District Judge